

[STAFF WORKING DRAFT]

MAY 3, 2001

Calendar No.

107TH CONGRESS
1ST SESSION

S. 718

To direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2001

Mr. MCCAIN (for himself, Mr. BROWNBACK, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MAY —, 2001

Reported by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Amateur Sports Integ-
5 rity Act”.

6 **TITLE I—PERFORMANCE**
7 **ENHANCING DRUGS**

8 **SEC. 101. SHORT TITLE.**

9 This Title may be cited as “Athletic Performance-En-
10 hancing Drugs Research and Detection Act”.

11 **SEC. 102. RESEARCH AND DETECTION PROGRAM ESTAB-**
12 **LISHED.**

13 (a) IN GENERAL.—The Director of the National In-
14 stitute of Standards and Technology shall establish and
15 administer a program under this title to support research
16 into the use of performance-enhancing substances by ath-
17 letes, and methods of detecting their use.

18 (b) GRANTS.—

19 (1) IN GENERAL.—The program shall include
20 grants of financial assistance, awarded on a competi-
21 tive basis, to support the advancement and improve-
22 ment of research into the use of performance-en-
23 hancing substances by athletes, and methods of de-
24 tecting their use.

1 (2) BANNED SUBSTANCES.—In carrying out the
2 program the Director shall consider research pro-
3 posals involving performance-enhancing substances
4 banned from use by competitors in events sanctioned
5 by organizations, such as the International Olympic
6 Committee, the United States Olympic Committee,
7 the National Collegiate Athletic Association, the Na-
8 tional Football League, the National Basketball As-
9 sociation, and Major League Baseball.

10 (3) RESEARCH CONCENTRATION.—In carrying
11 out the program, the Director shall—

12 (A) fund research on the detection of natu-
13 rally-occurring steroids, such as testosterone,
14 and other testosterone precursors (e.g.,
15 androstendione), and other substances, such as
16 human growth hormone and erythropoietin for
17 which no tests are available but for which there
18 is evidence of abuse or abuse potential;

19 (B) fund research that focuses on popu-
20 lation studies to ensure that tests are accurate
21 for men, women, all relevant age, and major
22 ethnic groups; and

23 (C) not fund research on drugs of abuse,
24 such as cocaine, phencyclidine, marijuana, mor-

1 phine/codeine, benzodiazepines, barbiturates,
2 and methamphetamine/amphetamine.

3 (c) TECHNICAL AND SCIENTIFIC PEER REVIEW.—

4 (1) IN GENERAL.—The Director shall establish
5 appropriate technical and scientific peer review pro-
6 cedures for evaluating applications for grants under
7 the program.

8 (2) IMPLEMENTATION.—The Director shall—

9 (A) ensure that grant applicants meet a
10 set of minimum criteria before receiving consid-
11 eration for an award under the program;

12 (B) give preference to laboratories with an
13 established record of athletic drug testing anal-
14 ysis; and

15 (C) establish a minimum individual grant
16 award of not less than \$500,000 per fiscal year.

17 (3) CRITERIA.—The list of minimum criteria
18 shall include requirements that each applicant—

19 (A) demonstrate a record of publication
20 and research in the area of athletic drug test-
21 ing;

22 (B) provide a plan detailing the direct
23 transference of the research findings to lab ap-
24 plications in athletic drug testing; and

1 (C) certify that it is a not-for-profit re-
2 search program.

3 (4) RESULTS.—The Director also shall estab-
4 lish appropriate technical and scientific peer review
5 procedures for evaluating the results of research
6 funded, in part or in whole, by grants provided
7 under the program. Each review conducted under
8 this paragraph shall include a written report of find-
9 ings and, if appropriate, recommendations prepared
10 by the reviewer. The reviewer shall provide a copy of
11 the report to the Director within 30 days after the
12 conclusion of the review.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Director of the
15 National Institute of Standards and Technology
16 \$4,000,000 per fiscal year to carry out this section for
17 fiscal years 2002, 2003, 2004, 2005, and 2006.

18 **SEC. 103. PREVENTION AND INTERVENTION PROGRAMS.**

19 (a) IN GENERAL.—The Director of the National In-
20 stitute of Standards and Technology shall develop a grant
21 program to fund educational substance abuse prevention
22 and intervention programs related to the use of perform-
23 ance-enhancing substances described in section 102(b)(2)
24 by high school and college student athletes. The Director
25 shall establish a set of minimum criteria for applicants

1 to receive consideration for an award under the program.

2 The list of minimum criteria shall include requirements

3 that each applicant—

4 (1) propose an intervention and prevention pro-

5 gram based on methodologically sound evaluation

6 with evidence of drug prevention efficacy; and

7 (2) demonstrate a record of publication and re-

8 search in the area of athletic drug use prevention.

9 (b) MINIMUM GRANT AWARD.—The Director shall
10 establish a minimum individual grant award of not less
11 than \$300,000 per fiscal year.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Director of the
14 National Institute of Standards and Technology
15 \$3,000,000 per fiscal year to carry out this section for
16 fiscal years 2002, 2003, 2004, 2005, and 2006.

17 **TITLE II—GAMBLING**

18 **SEC. 201. PROHIBITION ON GAMBLING ON COMPETITIVE** 19 **GAMES INVOLVING HIGH SCHOOL AND COL-** 20 **LEGE ATHLETES AND THE OLYMPICS.**

21 (a) IN GENERAL.—The Ted Stevens Olympic and
22 Amateur Sports Act (chapter 2205 of title 36, United
23 States Code) is amended by adding at the end the fol-
24 lowing new subchapter:

1 “SUBCHAPTER III—MISCELLANEOUS

2 “§220541. Unlawful sports gambling: Olympics; high
3 school and college athletes

4 “(a) PROHIBITION.—It shall be unlawful for—

5 “(1) a governmental entity to sponsor, operate,
6 advertise, promote, license, or authorize by law or
7 compact, or

8 “(2) a person to sponsor, operate, advertise, or
9 promote, pursuant to law or compact of a govern-
10 mental entity,

11 a lottery, sweepstakes, or other betting, gambling, or wa-
12 gering scheme based, directly or indirectly, on a competi-
13 tive game or performance described in subsection (b).

14 “(b) COVERED GAMES AND PERFORMANCES.—A
15 competitive game or performance described in this sub-
16 section is the following:

17 “(1) One or more competitive games at the
18 Summer or Winter Olympics.

19 “(2) One or more competitive games in which
20 high school or college athletes participate.

21 “(3) One or more performances of high school
22 or college athletes in a competitive game.

23 “(c) APPLICABILITY.—

24 “(1) *IN GENERAL*.—The prohibition in sub-
25 section (a) applies to activity described in that sub-

1 section without regard to whether the activity would
2 otherwise be permitted under subsection (a) or (b)
3 of 3704 of title 28.

4 “(2) *EXCEPTION.*—*The prohibition in subsection*
5 *(a) shall not apply to activity otherwise described in*
6 *that subsection if all of the monies paid by the par-*
7 *ticipants, as an entry fee or otherwise, are paid out*
8 *to winning participants.*

9 “(d) *INJUNCTIONS.*—A civil action to enjoin a viola-
10 tion of subsection (a) may be commenced in an appro-
11 priate district court of the United States by the Attorney
12 General of the United States, a local educational agency,
13 college, or sports organization, including an amateur
14 sports organization or the corporation, whose competitive
15 game is alleged to be the basis of such violation.

16 “(e) *GAMBLING ENFORCEMENT INFORMATION AND*
17 *POLICIES.*—

18 “(1) *GAMBLING INFORMATION.*—*Each college*
19 *submitting an annual report on information on*
20 *criminal offenses under paragraph (1)(F) of section*
21 *485(f) of the Higher Education Act of 1965 (20*
22 *U.S.C. 1092(f)) shall include in each such report sta-*
23 *tistics and other information on the occurrence of ille-*
24 *gal gambling, including gambling over the Internet,*
25 *at such college.*

1 “(2) *POLICY ON GAMBLING ACTIVITY.*—*Each col-*
2 *lege submitting an annual statement of policy on al-*
3 *coholic beverages and underage drinking under para-*
4 *graph (1)(H) of section 485(f) of the Higher Edu-*
5 *cation Act of 1965 shall include in each such report*
6 *a statement of policy regarding underage and other*
7 *illegal gambling activity at such college, including a*
8 *description of any gambling abuse education pro-*
9 *grams available to students and employees of such col-*
10 *lege.*

11 “(3) *PERIODIC REVIEW.*—*Notwithstanding para-*
12 *graph (2) of section 485(f) of the Higher Education*
13 *Act of 1965, the Attorney General shall, in consulta-*
14 *tion with the Secretary of Education, periodically re-*
15 *view the policies, procedures, and practices of colleges*
16 *with respect to campus crimes and security related*
17 *directly or indirectly to illegal gambling, including*
18 *with respect to the integrity of the athletics contests*
19 *in which students of colleges participate.*

20 “~~(e)~~ (f) *DEFINITIONS.*—In this section:

21 “(1) *HIGH SCHOOL.*—The term ‘high school’
22 has the meaning given the term ‘secondary school’ in
23 section 14101 of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 8801).

1 “(2) COLLEGE.—The term ‘college’ has the
2 meaning given the term ‘institution of higher edu-
3 cation’ in section 101 of the Higher Education Act
4 of 1965 (20 U.S.C. 8801).

5 “(3) LOCAL EDUCATIONAL AGENCY.—The term
6 ‘local educational agency’ has the meaning given
7 that term in section 14101 of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C.
9 8801).”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of that Act (chapter 2205 of title 36,
12 United States Code) is amended by adding at the end the
13 following:

“SUBCHAPTER III—MISCELLANEOUS

“220541. Unlawful sports gambling: Olympics; high school and college ath-
letes.”.

14 **SEC. 202. JUDICIAL REVIEW.**

15 (a) *EXPEDITED REVIEW.*—Any person adversely af-
16 fected by section 220541 of title 36, United States Code,
17 as added by section 201, may bring an action, in the United
18 States District Court for the District of Columbia, for de-
19 claratory judgment and injunctive relief on the ground that
20 such section 220541 violates the Constitution.

21 (b) *APPEAL TO SUPREME COURT.*—Notwithstanding
22 any other provision of law, any order of the United States
23 District Court for the District of Columbia granting or de-

1 *nying an injunction regarding, or finally disposing of, an*
2 *action brought under subsection (a) shall be reviewable by*
3 *appeal directly to the Supreme Court of the United States.*
4 *Any such appeal shall be taken by a notice of appeal filed*
5 *within 10 calendar days after such order is entered; and*
6 *the jurisdictional statement shall be filed within 30 cal-*
7 *endar days after such order is entered.*

8 (c) *EXPEDITED CONSIDERATION.*—*It shall be the duty*
9 *of the District Court for the District of Columbia and the*
10 *Supreme Court of the United States to advance on the dock-*
11 *et and to expedite to the greatest possible extent the disposi-*
12 *tion of any matter brought under subsection (a).*

13 (d) *ENFORCEABILITY.*—*The enforcement of any provi-*
14 *sion of section 220541 of title 36, United States Code, shall*
15 *be stayed, and such section 220541 shall not be effective,*
16 *for the period—*

17 (1) *beginning on the date of the filing of an ac-*
18 *tion under subsection (a); and*

19 (2) *ending on the date of the final disposition of*
20 *such action on its merits by the Supreme Court of the*
21 *United States.*

22 (e) *APPLICABILITY.*—*This section shall apply only*
23 *with respect to any action filed under subsection (a) not*
24 *later than 30 days after the effective date of this Act.*

1 ***TITLE III—INTERNET GAMBLING***

2 ***SEC. 301. SHORT TITLE.***

3 *This title may be cited as the “Unlawful Internet*
4 *Gambling Funding Prohibition Act”.*

5 ***SEC. 302. FINDINGS.***

6 *Congress makes the following findings:*

7 (1) *Internet gambling is primarily funded*
8 *through personal use of bank instruments, including*
9 *credit cards and wire transfers.*

10 (2) *The National Gambling Impact Study Com-*
11 *mission in 1999 recommended the passage of legisla-*
12 *tion to prohibit wire transfers to Internet gambling*
13 *sites or the banks which represent them.*

14 (3) *Internet gambling is a major cause of debt*
15 *collection problems for insured depository institutions*
16 *and the consumer credit industry.*

17 (4) *Internet gambling conducted through offshore*
18 *jurisdictions has been identified by United States law*
19 *enforcement officials as a significant money laun-*
20 *dering vulnerability.*

1 **SEC. 303. PROHIBITION ON ACCEPTANCE OF ANY BANK IN-**
2 **STRUMENT FOR UNLAWFUL INTERNET GAM-**
3 **BLING.**

4 (a) *IN GENERAL.*—No financial institution may
5 knowingly accept, in connection with the participation of
6 another person in unlawful Internet gambling—

7 (1) *credit, or the proceeds of credit, extended to*
8 *or on behalf of such other person (including credit ex-*
9 *tended through the use of a credit card); or*

10 (2) *the proceeds of any other form of financial*
11 *transaction as the Secretary may prescribe by regula-*
12 *tion which involves a financial institution as a payor*
13 *or financial intermediary on behalf of or for the ben-*
14 *efit of the other person.*

15 (b) *DEFINITIONS.*—In this section:

16 (1) *BETS OR WAGERS.*—The term “bets or wa-
17 gers” means the staking or risking by any person of
18 something of value upon the outcome of a contest of
19 others, a sporting event, or a game predominantly
20 subject to chance, upon an agreement or under-
21 standing that the person or another person will re-
22 ceive something of greater value than the amount
23 staked or risked in the event of a certain outcome.

24 (2) *INTERNET.*—The term “Internet” means the
25 international computer network of interoperable pack-
26 et switched data networks.

1 (3) *UNLAWFUL INTERNET GAMBLING.*—

2 (A) *IN GENERAL.*—*The term “unlawful*
3 *Internet gambling” means to place, receive, or*
4 *otherwise make a bet or wager by any means*
5 *which involves the use, at least in part, of the*
6 *Internet where such bet or wager is unlawful*
7 *under any applicable Federal or State law in the*
8 *State in which the bet or wager is initiated, re-*
9 *ceived, or otherwise made.*

10 (B) *INDIAN TRIBES.*—*Notwithstanding sub-*
11 *paragraph (A), an Indian tribe may conduct*
12 *Class III Internet gambling pursuant to a tribal-*
13 *State compact.*

14 (4) *OTHER TERMS.*—

15 (A) *CREDIT; CREDITOR; AND CREDIT*
16 *CARD.*—*The terms “credit”, “creditor”, and*
17 *“credit card” have the meanings given such*
18 *terms in section 103 of the Truth in Lending*
19 *Act.*

20 (B) *ELECTRONIC FUND TRANSFER.*—*The*
21 *term “electronic fund transfer”—*

22 *(i) has the meaning given such term in*
23 *section 903 of the Electronic Fund Transfer*
24 *Act; and*

1 (ii) includes any fund transfer covered
2 by Article 4 of the Uniform Commercial
3 Code, as in effect in any State.

4 (C) *FINANCIAL INSTITUTION*.—The term “fi-
5 nancial institution” has the meaning given such
6 term in section 903 of the *Electronic Fund*
7 *Transfer Act*.

8 (D) *MONEY TRANSMITTING BUSINESS AND*
9 *MONEY TRANSMITTING SERVICE*.—The terms
10 “money transmitting business” and “money
11 transmitting service” have the meanings given
12 such terms in section 5330(d) of title 31, *United*
13 *States Code*.

14 (E) *SECRETARY*.—The term “Secretary”
15 means the Secretary of the Treasury.

16 (c) *CIVIL REMEDIES*.—

17 (1) *JURISDICTION*.—The district courts of the
18 United States shall have original and exclusive juris-
19 diction to prevent and restrain violations of this sec-
20 tion by issuing appropriate orders in accordance with
21 this section, regardless of whether a prosecution has
22 been initiated under this section.

23 (2) *PROCEEDINGS*.—

24 (A) *INSTITUTION BY FEDERAL GOVERN-*
25 *MENT*.—

1 (i) *IN GENERAL.*—*The United States,*
2 *acting through the Attorney General, may*
3 *institute proceedings under this subsection*
4 *to prevent or restrain a violation of this sec-*
5 *tion.*

6 (ii) *RELIEF.*—*Upon application of the*
7 *United States under this subparagraph, the*
8 *district court may enter a preliminary in-*
9 *junction or an injunction against any per-*
10 *son to prevent or restrain a violation of this*
11 *section, in accordance with Rule 65 of the*
12 *Federal Rules of Civil Procedure.*

13 (B) *INSTITUTION BY STATE ATTORNEY GEN-*
14 *ERAL.*—

15 (i) *IN GENERAL.*—*The attorney general*
16 *of a State (or other appropriate State offi-*
17 *cial) in which a violation of this section al-*
18 *legedly has occurred or will occur may in-*
19 *stitute proceedings under this subsection to*
20 *prevent or restrain the violation.*

21 (ii) *RELIEF.*—*Upon application of the*
22 *attorney general (or other appropriate State*
23 *official) of an affected State under this sub-*
24 *paragraph, the district court may enter a*
25 *preliminary injunction or an injunction*

1 *against any person to prevent or restrain a*
2 *violation of this section, in accordance with*
3 *Rule 65 of the Federal Rules of Civil Proce-*
4 *dure.*

5 (C) *INDIAN LANDS.*—*Notwithstanding sub-*
6 *paragraphs (A) and (B), for a violation that is*
7 *alleged to have occurred, or may occur, on In-*
8 *dian lands (as that term is defined in section 4*
9 *of the Indian Gaming Regulatory Act)—*

10 (i) *the United States shall have the en-*
11 *forcement authority provided under sub-*
12 *paragraph (A); and*

13 (ii) *the enforcement authorities speci-*
14 *fied in an applicable Tribal-State compact*
15 *negotiated under section 11 of the Indian*
16 *Gaming Regulatory Act shall be carried out*
17 *in accordance with that compact.*

18 (3) *EXPEDITED PROCEEDINGS.*—

19 (A) *IN GENERAL.*—*In addition to any pro-*
20 *ceeding under paragraph (2), a district court*
21 *may, in exigent circumstances, enter a tem-*
22 *porary restraining order against a person al-*
23 *leged to be in violation of this section upon ap-*
24 *plication of the United States under paragraph*
25 *(2)(A), or the attorney general (or other appro-*

1 *priate State official) of an affected State under*
2 *paragraph (2)(B), in accordance with Rule 65(b)*
3 *of the Federal Rules of Civil Procedure.*

4 *(d) CRIMINAL PENALTY.—*

5 *(1) IN GENERAL.—Whoever violates this section*
6 *shall be fined under title 18, United States Code, im-*
7 *prisoned for not more than 5 years, or both.*

8 *(2) PERMANENT INJUNCTION.—Upon conviction*
9 *of a person under this subsection, the court may enter*
10 *a permanent injunction enjoining such person from*
11 *placing, receiving, or otherwise making bets or wagers*
12 *or sending, receiving, or inviting information assist-*
13 *ing in the placing of bets or wagers.*

14 *(e) SAFE HARBOR FOR FINANCIAL INTER-*
15 *MEDIARIES.—*

16 *(1) IN GENERAL.—No creditor, credit card*
17 *issuer, financial institution, operator of a terminal at*
18 *which an electronic fund transfer may be initiated,*
19 *money transmitting business, or national, regional, or*
20 *local network utilized to effect a credit transaction,*
21 *electronic fund transfer, or money transmitting serv-*
22 *ice shall be liable under this section for the involve-*
23 *ment of such person, or the use of the facilities of such*
24 *person—*

1 (A) in any credit transaction, electronic
2 fund transfer, or money transmitting service de-
3 scribed in subsection (a); or

4 (B) in drawing, paying, transferring, or
5 collecting any check, draft, or other instrument
6 described in subsection (a) or in any regulation
7 prescribed under such subsection.

8 (2) *EXCEPTION FOR KNOWING PARTICIPATION IN*
9 *A GAMBLING BUSINESS.*—Paragraph (1) shall not
10 apply with respect to any person referred to in such
11 paragraph which is a gambling business or which
12 knowingly participates in any activity referred to in
13 subparagraph (A) or (B) of such paragraph as an
14 agent or representative of a gambling business.

15 **SEC. 304. ENFORCEMENT ACTIONS.**

16 Section 8 of the Federal Deposit Insurance Act (12
17 U.S.C. 1818) is amended by adding at the end the following
18 new subsection:

19 “(x) *DEPOSITORY INSTITUTION INVOLVEMENT IN*
20 *INTERNET GAMBLING.*—Notwithstanding section 303(e) of
21 the Unlawful Internet Gambling Funding Prohibition Act,
22 if any appropriate Federal banking agency determines that
23 any insured depository institution is engaged in any of the
24 following activities, the agency may issue an order to such

1 *institution prohibiting such institution from continuing to*
2 *engage in any of the following activities:*

3 “(1) *Extending credit, or facilitating an exten-*
4 *sion of credit, electronic fund transfer, or money*
5 *transmitting service with the actual knowledge that*
6 *any person is violating section 303(a) of the Unlawful*
7 *Internet Gambling Funding Prohibition Act in con-*
8 *nection with such extension of credit, electronic fund*
9 *transfer, or money transmitting service.*

10 “(2) *Paying, transferring, or collecting on any*
11 *check, draft, or other instrument drawn on any depos-*
12 *itory institution with the actual knowledge that any*
13 *person is violating section 303(a) of the Unlawful*
14 *Internet Gambling Funding Prohibition Act in con-*
15 *nection with such check, draft, or other instrument.”.*

16 **SEC. 305. MONITORING BY INSTITUTIONS OF HIGHER EDU-**
17 **CATION OF TRANSMISSIONS OF WAGERING**
18 **INFORMATION THROUGH THE INTERNET.**

19 (a) *IN GENERAL.*—*The Children’s On-line Privacy*
20 *Protection Act (15 U.S.C. 6501 et seq.) is amended—*

21 (1) *by inserting before section 1301 the following:*

22 “*SUBTITLE A—GENERAL PROVISIONS*” ; *and*

23 (2) *by adding at the end the following:*

1 “*SUBTITLE B—MONITORING OF USE OF*
2 *INTERNET FACILITIES*”

3 “**SEC. 1311. HIGHER EDUCATION INSTITUTIONS TO MON-**
4 **ITOR INTERNET USE.**”

5 “*Each institution of higher education (as defined in*
6 *section 101 of the Higher Education Act of 1965 (20 U.S.C.*
7 *1001) shall monitor the use of the wire communications fa-*
8 *cilities of that institution for purposes of detecting the use*
9 *of those facilities for transmissions described in section*
10 *1084(a) of title 18, United States Code.*”

11 “**SEC. 1312. ENFORCEMENT.**”

12 “*Any institution of higher education that fails to mon-*
13 *itor the use of its wire communications facilities as required*
14 *by section 1311 during any academic year is, notwith-*
15 *standing any provision of law to the contrary, ineligible*
16 *for Federal education funding for the succeeding academic*
17 *year.*”.

18 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
19 *section (a) take effect 1 year after the date of enactment*
20 *of this Act and apply with respect to academic years begin-*
21 *ning on or after that date.*

1 **SEC. 306. SAVINGS CLAUSE.**

2 *Nothing in this Act shall be construed to alter, affect,*
3 *or waive any existing rights of Indian tribes pursuant to*
4 *the Indian Gaming Regulatory Act.*

○